IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 963(S/S)2007

Govind Singh Negi S/o late Sri Kripal Singh Negi,
Sachiv Kishan Sewa Sahakari Samiti Ltd.
Sukhrau Devi, Vikas Khand, Dugadda,
District Pauri Garhwal. ----Petitioner.

Vs.

1. District Administrative Committee, Primary Agricultural, Cooperative Credit Societies, Pauri Garhwal, District Pauri Garhwal,
2. Member Secretary, District Administrative Committee, Primary Agricultural cooperative Credit Societies, Pauri Garhwal,
3. Assistant Registrar, District Pauri Garhwal, Department of Cooperative Societies, State of Uttarakhand, Pauri,
4. Registrar Cooperative Societies, State of Uttarakhand, Dehradun. ----Respondents.

Sri Sobhit Saharia, learned Counsel for the petitioner and
Sri Paresh Tripathi, learned Standing Counsel for the State of Uttarakhand respondent nos. 3 & 4.
None for respondent nos. 1 & 2.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Sobhit Saharia, learned Counsel for the petitioner and Sri Paresh Tripathi, learned Standing Counsel for the State of Uttarakhand respondent nos. 3 & 4. None for respondent. 1 & 2.

By means of this writ petition, the petitioner has challenged the transfer order dated 03.07.2007 (annexure no. 3 so far as it relates to the petitioner) passed by Member Secretary, District Administrative Committee, Primary

Agricultural Cooperative Credit Societies, Pauri Garhwal/ respondent no. 2 by which, the petitioner who is working as Secretary in Kishan Sewa Sahakari Samiti Ltd. Sukhraudevi, Development Block Dugadda, District Pauri Garhwal, has been transferred to Sadan Sahkari Sewa Samiti, Kalvikhal, Development Block Rikhnikhal for the reason that he is continuously posted in the similar Samiti above than six years.

The petitioner has challenged the impugned transfer order on the ground that the petitioner is suffering from cardio vascular ailment which requires regular treatment/observation by a qualified physician, therefore, in case the transfer is essential the petitioner should have bee placed at his choice places; that the place where the petitioner has been transferred has no medical facilities whatsoever; that the impugned transfer order has been passed to accommodate one Sri Surendra Singh Rawat-Recovery Assistant.

Although the petitioner has annexed some reprinted O.P.D. folios perhaps issued by District Hospital Pauri Garhwal, Community Health Centre Kotdwar and the O.P.D. folios of Community Health Centre, Banchuri in regard to his treatment, but has not annexed any certificate given by any expert physician. In the affidavit the petitioner has sworn in that “Kilvikhal” which falls in development Block Rikhnikhal situates around 85 away from road head, this deposition is not convincing. In absence of any pleadings in rebuttal, the grounds taken by the petitioner in assailing the impugned order do not, at all, inspire confidence at this stage.

The petitioner may prefer representation before the District Administrative Committee, Primary Agricultural

Cooperative Credit Societies, Pauri Garhwal/ respondent no.1, raising all his grievances, within a period of one week from today. In case, the petitioner complies with the orders of this Court, the respondent no. 1 is directed to take decision on the representation of the petitioner within a period of two weeks from the date of production of a certified copy of this order alongwith the representation.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghidiyal, J.)

July 27, 2007:
NCM: